

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

June 19, 2014



Planning Variance case no. PV14-04: Travis Nance

CASE DESCRIPTION: a request for approval of a variance from the minimum number of off-street parking spaces required in conjunction with the proposed construction of a new restaurant

LOCATION: 768 N. Earl Rudder Freeway between Austin's Colony Parkway and Boonville Road (F.M. 158), being Lot 3B in Block 1 of the Boonville Town Center Subdivision

EXISTING LAND USE: vacant lot

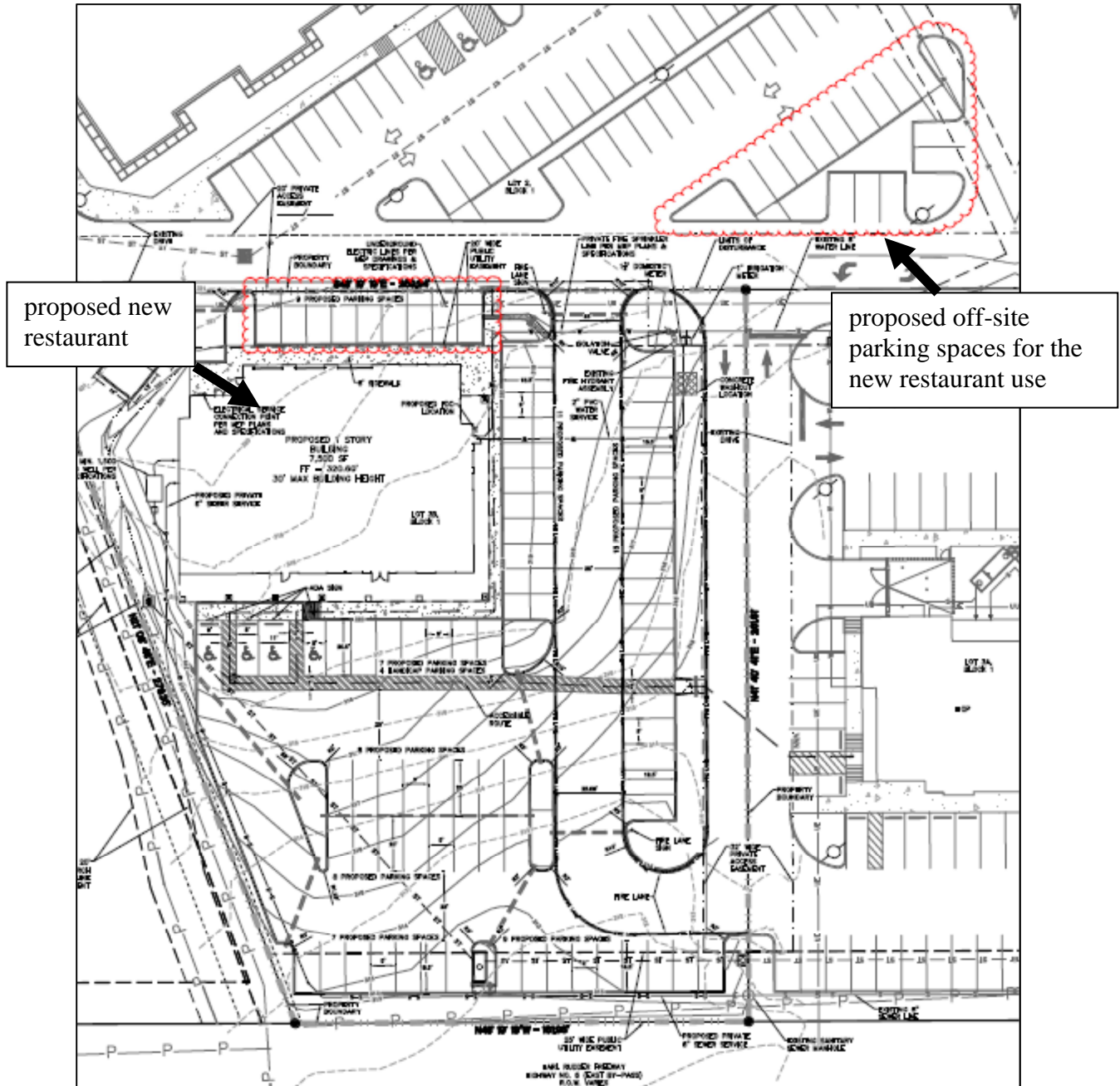
APPLICANT(S): Travis Nance, Oldham Goodwin Development, LLC

AGENT: Deven Doyen, P.E., Schultz Engineering

STAFF CONTACT: Matthew Hilgemeier, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested variance.





BACKGROUND:

The subject property adjoins the north side of the northbound frontage road of N. Earl Rudder Freeway, between Austin's Colony Parkway and Boonville Road (F.M. 158). The property is zoned Retail District (C-2) and has remained undeveloped. Properties on all three sides are developed with a building supply store, a hotel, and a restaurant, respectively.

The applicant has submitted a site plan for the construction of a new single-story, 7,500 square foot restaurant on the subject property. The City's Land and Site Development Ordinance (Bryan Code of Ordinances Chapter 62) requires the installation of off-street parking spaces with new building

construction. In the case of restaurant uses, the ordinance requires that 1.25 off-street parking spaces for every 100 square feet of gross floor area be provided on the same lot as the proposed new building (Section 62-297(i)(2)c.2.) A new 7,500 square foot restaurant building at this location would therefore need to provide a minimum of 94 off-street parking spaces on this site. The submitted site plan only shows 81 off-street parking spaces.

The applicants have requested a variance from the minimum off-street parking requirement on this property to still be able to construct the proposed new restaurant building and surrounding off-street parking area, as shown on the attached site plan, with only 81 off-street parking spaces on this site. In order to help guarantee adequate off-street parking for potential customers of the new restaurant at this location, the applicants propose to enter into a written agreement with the adjacent hotel property, to be able to jointly use up to 14 existing off-street parking spaces on that adjoining property. Please also refer to the site plan above, illustrating the off-site parking spaces that are proposed to be made available for use for restaurant patrons and employees on the hotel property. The Land and Site Development Ordinance generally only allows such “off-site” parking arrangements in cases where enlargement of change in uses increases the number of required off-street parking spaces (Section 62-297(h)).

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from the minimum off-street parking requirement stipulated in Land and Site Development Ordinance Section 62-297(i). However, no variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;

Staff believes that allowing flexibility in addressing vehicle parking is appropriate in this particular case, as the existing and proposed developments in the Boonville Town Center Subdivision complement, rather than compete with each other. In this particular case, lot geometry, the pre-existing development pattern, and the prospective user’s business model and building requirements make it impossible for the proposed use to comply with conventional on-site parking demands. Under the proposed shared parking agreement, the restaurant site, which can be expected to attract a lunch and dinner crowd, would jointly use parking spaces with the adjacent hotel site, which can reasonably be expected to attract mostly a late night crowd for overnight stays. The adjacent hotel site currently has 118 off-street parking spaces, in excess of the minimum 113 spaces that were required on that site. Staff believes that allowing on-site parking requirements for the proposed restaurant to be met through existing off-site facilities at the hotel site, in this particular case, allows for a much more efficient use of land.

Bryan’s Code of Ordinances currently only allows for off-site parking arrangements in redevelopment scenarios. Staff believes that allowing more flexibility when it comes to parking standards may encourage more innovative development plans that seek to break the mold of traditional strip development patterns.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants;

In order to develop the site per the user's requirements, a reduction in the number of required on-site parking spaces is necessary for the preservation and enjoyment of substantial property rights. The shared parking agreement will be beneficial to both parties by reducing the overall amount of impervious cover that is developed in the area, increasing the current usage of existing parking spaces, and will result in an up-front cost savings for the new restaurant.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

Staff contends that the requested variance, in this particular case, will have no detrimental effect on the public health, safety or welfare of other properties in the area. The requested variance will allow the site to develop in a manner that will reduce the amount of impervious surface covering in the area and allow for a more efficient use of land.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this ordinance.

Staff contends that granting this variance, in this particular case, will not have any adverse effect on development of this or any other property in the area and that approving this variance will not prevent the orderly development of land in this vicinity. Shared parking agreements are common in multi-use developments such as this one, allowing for more environmentally friendly developments. The granting of a variance to allow a reduction in the number of parking spaces required for this user and use of a shared parking agreement will not prevent the orderly develop of land in the vicinity in accordance with the provisions of this ordinance since all adjacent sites have been developed.

RECOMMENDATION:

Staff recommends **approving** this requested variance, **subject to the requirement that a written agreement** assuring the retention of at least 14 off-site parking spaces, for use by patrons and/or employees of a restaurant establishment on the subject property, **be properly drawn and executed by the parties concerned**, approved as to form by the City Attorney, and recorded with the Brazos County Clerk before a Certificate of Occupancy (CO) for the proposed restaurant on the subject property is issued by the City of Bryan. Staff recommends that any such agreement conform to the following standards:

1. The 14 off-site parking spaces must be located on property adjacent to the subject property.
2. The agreement shall remain in use as long as the parking requirement exists or until such time that adequate on-site parking is provided.